

## ORDINANCE NO. 272-10

BY: **MARY GALINAS**  
(By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION  
303.08 "IMPOUNDING OF VEHICLES; REDEMPTION" OF  
THE CODIFIED ORDINANCES OF THE CITY OF PARMA,  
AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That a portion of Section 303.08 "Impounding of Vehicles; Redemption" of the Codified Ordinances of the City of Parma, which presently reads as follows:

"303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;
- (2) When any vehicle or "abandoned junk motor vehicle" is left on property without permission under the conditions authorized in Section 351.17;
- (3) When any vehicle has been stolen or operated without the consent of the owner;
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;
- (5) When any vehicle has been used in or connected with the commission of a felony or a violation of Section 642.10 of the General Offenses Code;
- (6) Whenever any vehicle has been damaged or wrecked so as to be inoperable or if such vehicle violates equipment provision of this Traffic Code so that its continued operation would constitute a condition hazardous to life, limb or property; however, no such removal or impounding shall be authorized without the owner's consent if the vehicle is licensed and legally parked in a place where parking is permitted, unless some other provision of this Traffic Code authorizing impounding is applicable;
- (7) Whenever the operator of the vehicle is arrested; however, no such removal or impounding shall be authorized without the owner's consent if the vehicle is licensed and legally parked in a place where parking is permitted, unless some other provisions of this Traffic Code authorizing impounding is applicable;
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked;

- (10) When any vehicle is found for which two or more citation tags for violation of this Traffic Code have been issued and the owner or operator thereof has failed to respond to citation tags as lawfully required;
- (11) When any vehicle is parked or left standing in violation of Section 331.38 and, in the judgment of the impounding officer, such violation constitutes a hazard or obstruction to the normal movement of vehicular or pedestrian traffic or to the movement or operation of fire-fighting equipment;
- (12) With respect to paragraphs (a)(6) and (7) hereof, an owner's consent shall not be required if:
  - A. He cannot be readily contacted; or
  - B. He is unconscious, under the influence of alcohol or any drug of abuse, or is for some other reason unable to give his consent.

(b) The Director of Public Safety is hereby authorized and directed to prepare a written notice which shall contain the following information:

- (1) A full description and identification, to the extent available of the motor vehicle;
- (2) The address where the vehicle has been impounded;
- (3) The charges under which the vehicle was impounded and the name of the officer ordering the impoundment; and,
- (4) The following statement, in substantially the following language:

'ATTENTION. As vehicle owner or other person entitled to possession of an impounded vehicle, you have the following options:

  - A. You may recover possession of your vehicle by paying to the garage having custody of the vehicle the towing and any storage fees that may have accrued.
  - B. if you take issue with the impoundment of your vehicle, you may request a hearing as to whether there was sufficient factual and legal basis for impounding your vehicle by signing a copy of this form and delivery it to the office of the City Prosecutor, 5555 Powers Boulevard, Parma, Ohio, within five workdays after you learned that your vehicle was impounded. That hearing will be held within one business day of its filing.'

...

**is hereby amended to read as follows:**

**"303.08        IMPOUNDING OF VEHICLES; REDEMPTION.**

(a) Police officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;
- (2) When any vehicle ~~or 'abandoned junk motor vehicle' is left on property without permission under the conditions authorized in~~ **is in violation of Sections 351.12, 351.175, or 660.32.**
- (3) When any vehicle has been stolen or operated without the consent of the owner;

- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates, **and/or when any vehicle is in violation of Section 660.325 or any vehicle is in violation of Section 335.10;**
- (5) When any vehicle has been used in or connected with the commission of a felony or a violation of Section 642.10 of the General Offenses Code;
- (6) Whenever any vehicle has been damaged or wrecked so as to be inoperable or if such vehicle violates equipment provision of this Traffic Code so that its continued operation would constitute a condition hazardous to life, limb or property; however, no such removal or impounding shall be authorized without the owner's consent if the vehicle is licensed and legally parked in a place where parking is permitted, unless some other provision of this Traffic Code authorizing impounding is applicable;
- (7) Whenever the operator of the vehicle is arrested; however, no such removal or impounding shall be authorized without the owner's consent if the vehicle is licensed and legally parked in a place where parking is permitted, unless some other provisions of this Traffic Code authorizing impounding is applicable;
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked;
- (10) When any vehicle is found for which two or more citation tags for violation of this Traffic Code have been issued and the owner or operator thereof has failed to respond to citation tags as lawfully required;
- (11) When any vehicle is parked or left standing in violation of Section 331.38 and, in the judgment of the impounding officer, such violation constitutes a hazard or obstruction to the normal movement of vehicular or pedestrian traffic or to the movement or operation of fire-fighting equipment;
- (12) With respect to paragraphs (a)(6) and (7) hereof, an owner's consent shall not be required if:
  - A. He cannot be readily contacted; or
  - B. He is unconscious, under the influence of alcohol or any drug of abuse, or is for some other reason unable to give his consent.

(b) **Any vehicle removed under the authority of paragraph (a)(2) hereof shall be ordered into storage and/or disposed of as provided under relevant provisions of Chapter 4513 of the Ohio Revised Code.**

**All other vehicles removed under authority of this Section shall be ordered into storage and the Police Department shall forthwith notify the registered vehicle owner of the fact of such removal and reasons for impounding, therefore, and the place of storage.**

(c) **Any person desiring to redeem an impounded vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator must pay the release fee to the City of Parma.**

**After obtaining a release from the City, any person desiring to redeem an impounded vehicle will be directed to the impound lot where said impound lot will release the impounded vehicle. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.**

**No vehicle shall be released without a court order and/or approval of the vehicle release by the Parma Police Department if said vehicle is subject to impound for the following:**

- (a)    A court order directing vehicle be stored;**
- (b)    A police investigation pertaining to towed vehicle; or**
- (c)    Vehicle is subject to forfeiture based on underlying criminal case."**

. . .

Section 2. That the previous subsections (a) (b), (c), (d), and (e) of Section 303.08 "Impounding of Vehicles; Redemption" of the Codified Ordinances of the City of Parma, as they existed heretofore, are hereby repealed.

Section 3. That the previous subsections (f) and (g) of Section 303.08 "Impounding of Vehicles; Redemption" of the Codified Ordinances of the City of Parma are hereby relettered to subsections (d) and (e).

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to make this amendment in the near future, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO